

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

In re:) Case No. 19-56885
)
Murray Energy Holdings Co.,) Chapter 11
)
Debtor.) Judge John E. Hoffman, Jr.

**MOTION FOR ENTRY OF ORDER ADMITTING FILIBERTO AGUSTI
TO APPEAR PRO HAC VICE**

Nick V. Cavalieri, a member of the law firm of Bailey Cavalieri LLC, and being a member in good standing of the Bar of the State of Ohio and an attorney admitted to practice before the United States District Court for the Southern District of Ohio (the “Movant”), respectfully requests that this Court enter an order permitting Filiberto Agusti, a partner of the law firm of Steptoe & Johnson LLP, to appear *pro hac vice* before this Court. Pursuant to Local Bankruptcy Rule 2090-1, Mr. Agusti is qualified to appear before this Court for the reasons set forth herein. This Motion is further supported by Mr. Agusti’s statement attached hereto as Exhibit A.

1. Steptoe & Johnson LLP is counsel for UMWA 1974 Pension Plan, UMWA 1992 Benefit Plan, 1993 Benefit Plan, UMWA 1988 Cash Deferred Savings Plan, and UMWA Combined Benefit Fund (the “Funds”) in the above-captioned case, and Bailey Cavalieri LLC is local counsel for the Funds. Mr. Agusti is a partner in the law firm of Steptoe & Johnson LLP located at 1330 Connecticut Avenue, NW, Washington, DC 20036, (202) 429-6428 – telephone, (202) 429-3902 – facsimile, fagusti@steptoe.com – e-mail.

2. Mr. Agusti is an attorney at law admitted to practice in, and is a member of good standing in the State of New York and the District of Columbia. He is also admitted to practice in the United States Court of Appeals for the District of Columbia, the United States Court of

Appeals for the Second Circuit, the United States Court of Appeals for the Fourth Circuit, the United States Court of Appeals for the Seventh Circuit, the United States Court of Appeals for the Eleventh Circuit, and the United States District Court for the District of Columbia and the United States District Court for the Southern District of New York.

3. Mr. Agusti is not under suspension or disbarment from any Bar, and there are no pending grievances against Mr. Agusti.

WHEREFORE, the Movant respectfully requests that this Court enter an order admitting Filiberto Agusti *pro hac vice* to appear before this Court on behalf of the Funds with respect to the above-captioned chapter 11 case.

Respectfully submitted,

/s/ Nick V. Cavalieri
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Counsel for UMWA 1974 Pension Plan, UMWA 1992 Benefit Plan, 1993 Benefit Plan, UMWA 1988 Cash Deferred Savings Plan, and UMWA Combined Benefit Fund

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Entry of Order Admitting Filiberto Agusti to Appear *Pro Hac Vice* was served through the Court's Electronic Case Filing System via the Electronic Mail Notice Service this 30th day of October, 2019 upon:

- Asst US Trustee (Cin) ustpregion09.ci.ecf@usdoj.gov
- Jeremy Shane Flannery Jeremy.S.Flannery@usdoj.gov
- Ronald E Gold rgold@fbtlaw.com, eseverini@fbtlaw.com
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- Daniel I. Waxman dwaxman@wyattfirm.com, lexbankruptcy@wyattfirm.com; rburdine@wyattfirm.com

/s/ Nick V. Cavalieri
Matthew T. Schaeffer

EXHIBIT A

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VERIFIED STATEMENT OF FILIBERTO AGUSTI IN SUPPORT OF
MOTION FOR ADMISSION PRO HAC VICE

I, Filiberto Agusti, in support of the motion for my admission *pro hac vice*, state as follows:

1. I wish to appear and participate in the above-captioned matter, and any related proceedings, on behalf of UMWA 1974 Pension Plan, UMWA 1992 Benefit Plan, 1993 Benefit Plan, UMWA 1988 Cash Deferred Savings Plan, and UMWA Combined Benefit Fund.
2. I am a partner in the law firm of Steptoe & Johnson LLP located at 1330 Connecticut Avenue, NW, Washington, DC 20036, (202) 429-6428 – telephone, (202) 429-3902 – facsimile, fagusti@steptoe.com – e-mail.
3. I am admitted in, and a member of good standing in the State of New York and the District of Columbia. He is also admitted to practice in the United States Court of Appeals for the District of Columbia, the United States Court of Appeals for the Second Circuit, the United States Court of Appeals for the Fourth Circuit, the United States Court of Appeals for the Seventh Circuit, the United States Court of Appeals for the Eleventh Circuit, and the United States District Court for the District of Columbia and the United States District Court for the Southern District of New York.
4. My privileges to practice law and my memberships in any bar associations have never been amended, modified, suspended, revoked, or otherwise limited in any way in any

court, district, state, commonwealth, or other jurisdiction. There are no disciplinary actions pending against me.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 30, 2019

/s/ Filiberto Agusti

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